

CHAPTER 14
EXECUTIVE CLEMENCY
[615—Ch 14 transferred to 205—Ch 5, IAB 2/22/89]

205—14.1(902) Interviews of inmates serving life terms. The board shall not grant a parole or work release to a Class “A” felon serving a life term unless the governor commutes the sentence to a term of years. Administrative rules relating to the parole and work release consideration of an inmate sentenced to an indeterminate term shall not apply to an inmate sentenced to a life term. The board shall interview a Class “A” felon serving a life term to determine whether to recommend that the governor commute the sentence to a term of years. The board shall recommend that the governor commute the sentence when the board concludes that the inmate should be considered for release on parole or work release.

205—14.2(902) Interview schedule and procedure.

14.2(1) The board shall interview a Class “A” felon serving a life term according to the following schedule:

- a. The first interview shall be conducted within five years of the inmate’s commitment to the department of corrections.
- b. The second interview shall be conducted within five years of the inmate’s first interview.
- c. The third interview shall be conducted within three years of the inmate’s second interview.
- d. The fourth interview shall be conducted within two years of the inmate’s third interview.
- e. Remaining interviews shall be conducted annually.

14.2(2) The board shall interview a Class “A” felon with respect to history, current situation, parole prospects and other pertinent matters. The board shall provide the inmate ample opportunity to express views and present materials.

205—14.3(914) Executive clemency applications.

14.3(1) *Applications to the board.*

a. A person convicted of a criminal offense may apply to the board for a recommendation to the governor for a reprieve, pardon, commutation of sentence, remission of fines and forfeitures, or restoration of citizenship at any time following the person’s conviction.

b. An application for a pardon, commutation of sentence, or restoration of citizenship shall be on the form provided by the board. The form may be obtained by contacting the board business office.

c. An application for a reprieve or remission of fines or forfeitures shall be in writing.

d. The applicant shall submit the executive clemency application to the board business office.

14.3(2) *Applications to the governor.* Upon the request of the governor, the board shall take charge of all correspondence in reference to an executive clemency application filed with the governor and shall provide the governor with the board’s advice and recommendation.

14.3(3) *District department restoration of citizenship applications.* A district department may submit to the board a recommendation for the restoration of citizenship of a person discharged from parole or probation.

205—14.4(902,914) Board investigation. The board may investigate an application or district department recommendation with respect to history, current situation, parole prospects and other pertinent matters. The board may consider the application or recommendation, transcripts of judicial proceedings and all documents submitted with the application and may interview public officials, victims, and witnesses.

205—14.5(902,914) Executive clemency recommendations.

14.5(1) *Decision.*

a. The board shall recommend that the governor grant commutation of sentence to a Class “A” felon serving a life term when the board unanimously agrees that the inmate should be considered for

release on parole. If the board does not unanimously agree, the board shall recommend that the governor not grant commutation of sentence.

b. The board shall recommend that the governor grant executive clemency to a person other than a Class “A” felon serving a life term when at least three members of the board agree that the person has demonstrated that the person will become or continue to be a law-abiding citizen. If three members of the board do not agree, the board shall recommend that the governor not grant executive clemency.

14.5(2) *Notice of board recommendation.* The board shall give notice of an executive clemency recommendation to the office of the governor and the inmate or applicant.

14.5(3) *Board consideration following commutation.* The board shall consider the parole and work release prospects of an inmate whose sentence has been commuted by the governor.

14.5(4) *Executive clemency reconsiderations.*

a. The board may reconsider at any time a board recommendation to grant executive clemency that the governor has denied and returned to the board. The procedures for reviewing an executive clemency application shall apply to the reconsideration of a denied recommendation.

b. The board may refile the recommendation with the governor or withdraw the recommendation.

These rules are intended to implement Iowa Code chapters 902 and 914.

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